

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Mooney, et al.) Group Art Unit: 3763
)
Application No.:	10/789,181) Examiner: Vu, Quynh-Nhu Hoang
)
Filing Date:	02/26/2004)
)
For:	MULTIPLE LUMEN ACCESS DEVICE)
	HAVING A MULTIFUNCTION ADAPTER)
	AND METHOD OF USE)
)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

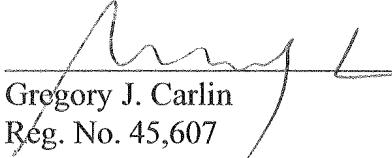
This is in response to the restriction requirement set forth in the Office Action, dated December 27, 2007, in the above-identified patent application.

In the Office Action, it was alleged that the present application includes two inventions, Group I (Claims 1-21), directed to a multiple access lumen system, and Group II (Claims 22-26), directed to a method for selectively introducing a medical device. In addition, it was alleged that the claims are directed to patentably distinct species: A) Figures 1-5; 9; 11A-C; 13-14; 16-17; 19-24; 31; 34-38; and 39-41; B) Figures 6-8; C) Figure 10; and D) Figure 15. Several subspecies were alleged for species A), including sub-subspecies. Without agreeing to the propriety of the restriction and election requirement, applicant hereby provisionally elects Group I, directed to the multiple access system, and species C) associated with Figure 10.

Application No. 10/789,181
Docket No.: ECV-5062CIP2DIV
Response to Restriction Requirement of 11/27/2007

The Office Action further requested an election “between the different adapters and obturators/introducers.” Namely, adapter: 42ab, 43ab, 44ab, 45ab and 46ab and introducer: 47ab, 48ab, 49, 50ab and 51-54. It is not clear from the request whether election should be one of the species of adapters and introducers, or one of each of the species of adapters and introducers. Since the term “between” is used and the adapters/introducers are grouped together (consistent with other species groups earlier in the Office Action), it is assumed that only a single one of the adapters and introducers needs to be elected. Without agreeing to the propriety of the election of species, applicant hereby provisionally elects the adapter species 43A and 43B. It appears that Claims 1-5, 9-12, 15-16 and 19-20 read upon the elected. Applicant respectfully submits that at least Claim 1 is generic with respect to all species of Group I.

Respectfully submitted,



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Date: December 19, 2007